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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,316	01/02/2002	Hiroshi Hara	50R4871	7243
36738 7590 08/20/2007 ROGITZ & ASSOCIATES 750 B STREET SUITE 3120 SAN DIEGO, CA 92101			EXAMINER NEWLIN, TIMOTHY R	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 08/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/038,316

Applicant(s)

HARA ET AL.

Examiner

Timothy R. Newlin

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2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/11/2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, U.S. Patent No. 5,808,722 in view of Yap et al., U.S. Pub. No. 2001/0052130.

3. Regarding claim 1, Suzuki discloses a method for providing audio in an audio/video network, comprising:

providing an audio signal and a video signal to a first device in the audio/video network **[A/V data 1 is provided to separator 2 and audio decoder 30, Fig. 4];**

decoding standard definition audio in the first device **[audio decoder 30, Fig. 4];**
and

processing said video signal in a second device **[video decoder 50, Fig. 4].**

4. Suzuki does not teach the use of high-definition audio. Yap teaches the use of a high definition decoder **[para. 60]**. Yap also describes a decoding hi-definition audio and video data separately **[para 47]**. Thus, it would have been obvious to one of ordinary skill in the art to use the synchronization method claimed by Suzuki in

connection with a high-definition signal, because it allows users to upgrade to the highest quality video available.

5. Regarding claim 2, Suzuki discloses a method for providing audio in an audio/video network as recited in claim 1, wherein providing an audio signal and a video signal to a first device in the audio/video network comprises:

processing said audio signal in said first device **[separator 2 processes the audio data by separating the audio data 21 and the time stamp 22, Fig. 1; col. 9, 41-43];** and

delivering said video signal from said first device to said second device **[video data 41 is sent to video multiplexer 43, Fig. 1;.col. 26-31].**

6. Regarding claim 3, Suzuki discloses a method wherein processing said audio signal in said first device comprises decoding said audio signal in said first device **[audio decoder 30 processes and decodes audio signal 28, Fig. 4].**

7. Regarding claims 4 and 12, Suzuki discloses a method and network wherein said method further comprises storing a decoded audio signal in a first buffer in said first device **[audio data is stored in buffer memory 25, Fig. 4].**

8. Regarding claim 5, Suzuki discloses a method wherein said first device selected from the group consisting of a set top box and an audio/video receiver **[col. 9, 23-26].**

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9. Regarding claims 6, 16 and 22, neither reference specifically discloses a system wherein at least one means for connecting said first device to said second device is selected from the group consisting of a USB protocol, an IEEE 1394 protocol, a RS-232C protocol, a wireless format, DVI, DMI, Cat. 5, telephone line, power line, and an IrDA protocol. However, official notice is taken that communication protocols such as IEEE 1394, and/or basic physical connections such as USB or telephone line are very well known and commonly practiced in the art. It would have been obvious to connect the devices disclosed in Suzuki and Yap in the claimed manner, because the devices must be connected to function as a whole and it is convenient and predictable to use a standard communication protocol to do so.

10. Regarding claims 8 and 14, Suzuki discloses a method wherein said method further comprises storing a decoded video signal in a second buffer in said second device **[video buffer memory 45, Fig. 4]**.

11. Regarding claims 9 and 15, Suzuki discloses a method wherein said method further comprises synchronizing an output of a first buffer with an output of said second buffer **[audio and video output is synchronized by controller 4, Fig. 1; col. 10, 42-54]**.

12. Regarding claim 10, Suzuki discloses an audio/video network comprising:
a first device configured to decode an audio signal in standard definition **[audio decoder 30, Fig. 1]**; and

a second device configured to decode a video signal, said first device in electrical communication with said second device to receive decoded audio and encoded video therefrom **[video decoder 50, Fig. 1]**.

13. Suzuki does not teach the use of high-definition audio. Yap teaches the use of a high definition decoder **[para. 60]**. Yap also describes a decoding hi-definition audio and video data separately **[para 47]**. Thus, it would have been obvious to one of ordinary skill in the art to use the synchronization method claimed by Suzuki in connection with a high-definition signal, because it allows users to upgrade to the highest quality video available.

14. Regarding claim 11, Suzuki discloses an audio/video network wherein said first device includes a first decoder configured to decode said audio signal **[audio decoder 30, Fig. 1]**.

15. Regarding claim 13, Suzuki discloses a network wherein said second device includes a second deconder configured to decode said video signal **[video decoder 50, Fig. 4]**.

16. Regarding claim 17, Suzuki discloses an audio/video system comprising:
a first device, including a standard signal decoder **[audio decoder 30, Fig. 1]**;
a second device, including a signal decoder **[video decoder 50, Fig. 1]**, said first device in electrical communication with said second device **[audio decoder 30 is connected to the video decoder through the controller 4, Fig. 4]**.

17. Suzuki does not teach the use of a high-definition decoder or discuss a peripheral device connected to the system. However, Yap does show at least one peripheral device **[display device 370, Fig. 3]** in electrical communication with said first device and said second device. In addition, Yap teaches the use of a high definition decoder **[para. 60]**. Yap also teaches that multiple devices may be connected to the system, such as mass storage devices utilizing a flash card or memory stick **[paras. 50, 52]**. This suggests that user may be expected to have varying devices that may require audio/video synchronization. Thus, it would have been obvious to one of ordinary skill in the art to use the method claimed by Suzuki with peripherals as shown by Yap, in order to provide audio/video synchronization to diverse devices that may vary by user.

18. Regarding claim 18, Suzuki discloses an audio/video system wherein said first device further includes a first buffer **[audio buffer memory 25, Fig. 4]** in electrical communication with said standard signal decoder, said first buffer in electrical communication with said second device **[audio buffer 25 is connected to the video decoder through the controller 4, Fig. 4]**.

19. Regarding claim 19, Suzuki discloses an audio/video system wherein said second device further includes a second buffer **[video decoder 50, Fig. 1]** in electrical communication with said high definition signal decoder, said second buffer in electrical communication with said first device **[video buffer is connected to data separator 2]**,

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20. Suzuki does not teach the use of a high definition signal, but Yap does teach it. The combination thereof is obvious as discussed above in the rejection of claim 1. Yap also shows that in combination with Suzuki, a said first buffer and said second buffer are in electrical communication with a peripheral device **[buffer 316 is connected to system bus, Fig. 4; also see discussion of PCI bus, integrating peripherals and chip components, para. 52]**.

21. Regarding claim 20, Yap discloses an audio/video system wherein said peripheral device is selected from the group consisting of an audio/video amplifier, a VCR, a DVD player/recorder **[paras. 50, 52; also digital VHS, para. 6,]**.

22. Regarding claim 21, Suzuki discloses an audio/video system wherein a synchronization circuit is in electrical communication with said first buffer and said second buffer. As discussed above in the rejection of claims 17 and 19, the obvious combination of Suzuki and Yap discloses peripherals that are electrically connected to other system components by a PCI bus **[paras. 50-52]**.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakamura, U.S. Patent No. 5,351,090; Tanaka, U.S. Patent No. 6,130,987.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Newlin whose telephone number is (571) 270-3015. The examiner can normally be reached on M-F 9-6 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TRN


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600